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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,846	08/11/2003	James F. McGuckin JR.	1224 CON	4450

7590

09/09/2005

Neil D. Gershon
Rex Medical, L.P.
Suite 2
2023 Summer St.
Stamford, CT 06905

EXAMINER

BAXTER, JESSICA R

ART UNIT

PAPER NUMBER

3731

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/638,846

Applicant(s)

MCGUCKIN ET AL

Examiner

Jessica R. Baxter

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05162005, 11102004, 09222003</u> | 6) <input checked="" type="checkbox"/> Other: <u>11032004, 10182004, 04122004, 11052005</u> |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 32, 34, 36-38, 40-43, and 45-48 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,733,294 to Forber et al.

Forber discloses a vessel filter comprising a mounting section at opposing end regions of the filter and configured to engage a wall of the vessel (FIG. 4), the mounting section having curved regions at each end region formed by a portion extending back toward a center line of the filter after extending away from the center line of the filter (FIG. 4, the largest diameter section is the mounting section), the mounting section having a first transverse dimension, a first filtering section and a second filtering section each having a transverse dimension less than the first transverse dimension (filtering sections located on each side of 25), each filtering section having a converging region, the converging region having a cylindrical support (27, 23); wherein the first and second filtering sections each comprise a plurality of curved regions formed by portions extending back toward the center line of the filter; wherein the first and second filtering sections each comprise a plurality of curved filter regions, wherein the curved filter regions of the first filtering section are located closer to a center point of the filter than a first end of the mounting section and the curved filter regions of the second filtering section are located closer to a center point of the filter than an opposing end of the mounting section.

3. Claims 32-49 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,601,595 to Smith.

Smith discloses a vessel filter comprising a mounting section at opposing end regions of the filter and configured to engage a wall of the vessel (FIG. 2), the mounting section having curved regions at each end region formed by a portion extending back toward a center line of the filter after extending away from the center line of the filter (the filter extends outward in both directions from 26 and extends outwardly and then converges again at 20 at each end), the mounting section having a first transverse dimension, a first filtering section and a second filtering section each having a transverse dimension less than the first transverse dimension, each filtering section having a converging region, the converging region having a cylindrical support (22, 24); wherein the first and second filtering sections each comprise a plurality of curved regions formed by portions extending back toward the center line of the filter; wherein the first and second filtering sections each comprise a plurality of curved filter regions, wherein the curved filter regions of the first filtering section are located closer to a center point of the filter than a first end of the mounting section (FIG. 2) and the curved filter regions of the second filtering section are located closer to a center point of the filter than an opposing end of the mounting section; further comprising vessel engaging members extending from the mounting section to anchor the vessel filter (19).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica R. Baxter whose telephone number is 571-272-4691. The examiner can normally be reached on M-F 8:30AM - 5:00PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica R Baxter
Examiner
Art Unit 3731

gub
jrb


EDUARDO C. ROBERT
PRIMARY EXAMINER